

Decision 02-03-020 March 6, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul Higginbotham, Complainant, vs. Pacific Bell Telephone Company, Defendant.	Case 01-03-028 (March 7, 2001)
Izu Klepper, Complainant, vs. Pacific Bell Telephone Company, Defendant.	Case 01-05-059 (May 17, 2001)
Asha Goldberg, Complainant, vs. Pacific Bell Telephone Company, Defendant.	Case 01-05-068 (May 28, 2001)
Raymond A. Chamberlin, Complainant, vs. Pacific Bell Telephone Company, Defendant.	Case 01-07-023 (July 16, 2001)
Edward H. Joseph, Complainant, vs. Pacific Bell Telephone Company, Defendant.	Case 01-11-008 (November 5, 2001)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. The above-captioned adjudicatory cases cannot be resolved by March 6, 2002 (i.e., the 12-month deadline for the earliest-filed case) for reasons discussed below, and we are extending the deadline accordingly.

These cases were consolidated because they involve closely related, material issues of law and fact. On October 19, 2001, a prehearing conference was held. At that time the parties agreed that a workshop led by Telecommunications Division staff might lead to settlement or narrowing of the issues. Such a workshop occurred on November 29, 2001. Subsequently, Pacific Bell responded to a series of data requests from the staff.

On January 28, 2002, the parties submitted a joint status report which showed that the parties had failed to reach agreement on the issues in this case. Pacific Bell has requested evidentiary hearings, and has been directed to file declarations supporting this request by March 1, 2002. Complainants have until March 12, 2002, to file responsive comments. Consequently, this matter cannot be resolved prior to the statutory deadline.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. This is a consolidated proceeding with cases filed between March 7, 2001 and November 5, 2001.
2. The statutory deadline to complete the earliest filed case is March 6, 2002.
3. A workshop was held to resolve and narrow issues.
4. Parties failed to reach agreement; Pacific Bell requested evidentiary hearings.
5. Evaluating Pacific Bell's request for evidentiary hearings and any steps needed to resolve these consolidated proceedings cannot be completed before the 12-month statutory deadline runs.
6. An extension is required to allow completion of this proceeding.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, until further order.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until further order.

This order is effective today.

Dated March 6, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners